

**ANDOVER BOARD OF HEALTH**  
**Minutes**  
**May 13, 2013, 6:00 P.M.**  
**CD&P First Floor Conference Room**  
**36 Bartlet Street**

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Katherine Kellman, Clerk, new BOH Member, Gopala K. Dwarakanath, M.D. and Mr. Thomas G. Carbone, Director of Public Health.

Ms. Candace Martin, Chairman, was not in attendance this evening due to a scheduling conflict, but participated via phone. The following guidance to allow the remote participation was provided by Mr. Carbone:

Ms. Kellman will need to chair the meeting.

At the beginning of each hearing, Ms. Kellman will need to do the following:

- Announce that Ms. Martin is participating by telephone due to geographic distance, with her need to be in Boston for a later appointment that would interfere with her ability to be physically present.
- Ensure that both Ms. Martin and the people in the room are able to hear each other.
- All votes must be taken by roll call.<sup>1</sup>

**I. Reorganize** – After discussion, the Board was reorganized.

*Motion by Ms. Martin, seconded by Ms. Kellman to reorganize the Board of Health as follows: Ms. Martin, Chairman, Ms. Kellman, Vice Chairman, and Dr. Dwarakanath, Clerk. Vote taken: Ms. Martin, Aye, Ms Kellman, Aye, Dr. Dwarakanath Aye. Unanimous approval.*

**II. Approval of Minutes**

- **March 19, 2013 – Corrections on Approved Minutes**

*Motion by Ms. Martin, seconded by Ms. Kellman, to approve the corrections on the approved Minutes of March 19, 2013. Vote taken: Ms. Martin, Aye, Ms. Kellman, Aye, Dr. Dwarakanath, Abstain. Unanimous approval.*

- **April 8, 2013**

*Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of April 8, 2013. Vote taken: Ms. Martin, Aye, Ms. Kellman, Aye, Dr. Dwarakanath, Abstain. Unanimous approval.*

---

<sup>1</sup> A copy of the code §29.10:Remote Participation was added to the packet before page 1.

### **III. Appointments & Hearings**

- **6:00 p.m. Strati Alepidis for Bruegger's, 20 Main St. – Show Cause Hearing –**

Ms. Martin informed the representatives from Bruegger's that she was participating by telephone due to geographic distance, with her need to be in Boston for a later appointment that would interfere with her ability to be physically present. She confirmed that all attendees could hear her.

Present were Strati Alepidis, Store Manager, Melvin Wong, District Manager, and Diane Ahlman, Regional Director of Operations. Mr. Carbone stated he brought this to the Board of Health's attention because of ongoing problems with sanitation and operations at the store. In 2011, Mr. Carbone held an Administrative Hearing to address problems with a number of critical violations seen at the establishment historically. Since then there has been a turnover in Management but there are still problems, so Mr. Carbone felt he had to escalate the situation to the attention of the Board of Health. Ms. Kellman requested a description of what their understanding was of the problems that the Board has been seeing.

Mr. Alepidis stated that he had just taken management of the facility in September of 2012 and that the problems seem to be behavioral as well as the facility being physically dirty. They have cleaned everything and now they need to maintain the cleanliness by doing an overall turnover of how they do things. The goal is to make sure that their employees are cleaning things in accordance with the State, Town and Bruegger's requirements. Mr. Alipidis is the one in charge at the store and he has put practices in place that will be overseen by Mr. Wong and Ms. Ahlman who can point out whatever he may miss.

Ms. Martin stated that there was a plan provided, and asked what items are already being done. She was concerned because the QSC Report audit shows that the form was completed in 2011, so it seems that these were already in place at that time. Mr. Alipidis stated that he was not involved in 2011; however Mr. Wong did a QSC audit in the later part of 2012 and recently did another one. Ms. Martin questioned if this was a monthly inspection. Ms. Ahlman stated that the company standard was to do the QSC quarterly, but now Mr. Wong will be doing them monthly. They have also hired EcoSure to come in as a neutral party on a quarterly basis to do an inspection.

Ms. Kellman asked for an explanation of why the inspection on 4/15/2013 had so many critical violations and questioned what is wrong with the process they have been using. Mr. Wong stated that the QSC is one guide to make sure bakeries are doing well, but from January to March of 2013, no QSC was done. Going forward they will do one every month to make sure everything is up to standard. Mr. Wong stated that when Ms. Patricia Crafts, Health Agent, came in, the establishment was in bad shape. There was a turnover in staff and training takes time. Ms. Kellman asked if there were any other changes they have made. Ms. Ahlman stated that normally Bruegger's closes with two people in the afternoon but they will have an extra person on as an afternoon cleaner to make sure that

all closing procedures are hitting all the standards the company and the Board of Health are looking for. Ms. Ahlman also stated that they have a tool the company uses called a Red Book and in it they have criteria that they follow, and is part of an ongoing check list. Ms. Ahlman expects Mr. Wong to be in the Andover store two to three times a week to make sure Mr. Alepidis and his team are following the Red Book guidelines and all standards from cleaning to food safety.

Ms. Kellman asked if the Red Book referred to such things as temperatures, sanitizer and general sanitation. Mr. Wong explained that they made a log for the sanitizer strips and will use a monthly calendar to stick the strips on after they dry to show verification that it has been done.

Mr. Carbone stated that he likes where things are going because they have a workable plan and their goal is to maintain it. Dr. Dwarakanath asked what time frame they have in mind to get to the 85% compliance with QSC. Mr. Wong stated that he did a QSC last week and the result was 86%. Ms. Kellman stated that she was concerned that the Inspection Reports had five critical violations and multiple occurrences and her main concern was if the goal of reaching the 85% on their checklist will also insure that there are no more critical violations. Mr. Wong replied that a lot of the problems are behavioral and he will be there a few times a week now to work on those issues. Ms. Kellman asked what the company's policy is on stores that consistently fall below the 85 % and what are the consequences. Ms. Ahlman replied that they have action plans put into place that could lead to termination. The Board was handed a copy of the Cleanliness/Repair & Maintenance Report that is now being used.<sup>2</sup>

*Motion by Ms. Kellman, seconded by Ms. Martin to continue the Hearing for three months to its regularly scheduled Board of Health Meeting in August (date is yet to be determined). Vote taken: Ms. Martin, Aye, Dr. Dwarakanath, Aye, and Ms. Kellman, Aye. Unanimous approval.*

*Mr. Carbone verified with the Board that there would be an understanding that during those three months another unannounced Staff Inspection would be done, and then Bruegger's would come back in front of the Board in August to see how things are going.*

- **6:20 p.m. – Xiaolin Hou and Yan Lin for 26 Orchard Crossing – Appeal of ORDER to Connect to Sewer –**

Ms. Martin informed the homeowners of 26 Orchard Crossing that she was participating by telephone due to geographic distance, with her need to be in Boston for a later appointment that would interfere with her ability to be physically present. She confirmed that all attendees could hear her.

Present were Xiaolin Hou and Yan Lin, homeowners of 26 Orchard Crossing. Mr. Carbone explained to the Board that the homeowners were appealing the ORDER to connect to sewer. Mr. Hou stated that he did not understand what this situation was about. Mr. Carbone explained to the homeowners that when they bought the house, the septic

---

<sup>2</sup> A copy of the Cleanliness/Repair & Maintenance Report has been added to the packet after page 18.

failed the Title V inspection. The Board allowed a temporary fix to the septic system which would allow them to continue using it until sewer became available on their street. They signed an agreement with the town on August 17, 2000, saying they would connect to Town sewer within 60 days when it became available. When Mr. Carbone was cleaning files, he found that this was still outstanding and that sewer became available by 2005. There also was no letter sent to the homeowners instructing them to connect at that time.

Mr. Carbone explained that the septic will not last much longer because the repair work was temporary. Mr. Hou stated that they were planning on moving to a smaller house and would like to connect to the sewer before they sell. Ms. Kellman stated that their septic system does not conform to today's environmental standards and asked if there would be any issues connecting if the Board gave them 30 days to complete it. Mr. Hou stated that he was concerned about the price of connecting to sewer and requested more time. Ms. Martin stated that they had from 2005 to connect to sewer and would now like them to connect to sewer in 30 days but could extend to forty-five days if needed. Mr. Hou asked if he could have 60 days to prepare and hire someone.

Dr. Dwarakanath stated that he understood that Mr. Hou didn't understand what he was required to do, but that he already had a lot of time to do this, so he felt 45 days was reasonable. He asked if Mr. Hou could give the Board an assurance that the connection would be done in 60 days. Mr. Carbone suggested that the Board continue the Hearing for two months to the July Board of Health Meeting for a status update. Then if the connection is made by then they won't have to come back. Ms. Lin told Mr. Carbone she would call him as soon as she gets a date.

*Motion by Ms. Martin, seconded by Ms. Kellman to continue the Hearing to the July 15, 2013 Board of Health Meeting with the requirement that the Board of Health be given a written status at the June 10, 2013 Board of Health Meeting, giving the extension for 60 days at the outside that the work will all be completed at that time. Vote taken: Ms. Martin, Aye, Ms. Kellman, Aye, Dr. Dwarakanath, Aye.*

*Ms. Martin left the Board of Health Meeting via remote phone conferencing at 6:45 p.m.*

#### **IV. Discussion**

- **Dr. Dwarakanath Food Inspection Request (Not on Agenda)** – Dr. Dwarakanath informed Mr. Carbone that he wanted to accompany an Inspector on a restaurant inspection and could go on a Friday if possible. Mr. Carbone told Dr. Dwarakanath that he would speak to Ms. Patricia Crafts to arrange that with him.
- **Free Breast Exam Project Proposal by Dr. Dwarakanath (Not on Agenda)** – Dr. Dwarakanath is interested in hosting a free breast exam screening for Breast Cancer Awareness month in October. The screening would be free of charge and women could preregister ahead of time. Ms. Kellman thought it would be a great idea and

would allow people who may not be able to afford to get screened to do it through this program. If we advertise the screenings as free, Dr. Dwarakanath felt that more people would come. Mr. Carbone stated that he thought the idea was very good and asked what he and the Board would have to do to make this happen. Dr. Dwarakanath replied that first we would have to advertise. He would get all female volunteers from the hospital, and make sure to provide private rooms for each patient. Dr. Dwarakanath offered to do the screenings in his Chin Maya Center or at a school. Mr. Carbone stated that we also have access to the Medical Reserve Corps (MRC) volunteers who we use a lot for the flu clinics. Unfortunately, our Health Nurses would not be available in the month of October since they are involved in administering flu shots in the schools at that time, but he would talk to them and get their opinion.

- **Email Concerning Crafts in the Park on Saturday, May 11, 2013– (Not on Agenda)** Mr. Carbone mentioned that he had sent an e-mail to the Board Members because there were some problems with the Crafts in the Park event this year. There was a new organizer this year and if we had known that, we could have spoken with that person ahead of time. Mr. Carbone thinks that over the next couple of weeks we will be working with the organizers so we don't run into the problems next year that we ran into this year. The biggest problem seemed to be getting the food places permitted. The State regulations require that they apply for food permits 30 days prior to the event; however, we allow them to apply up to seven days prior. When we have a large event like Crafts in the Park, we can get ten to twenty applications for Temporary Food Permits. This is very time consuming to review and process all the permits and to plan enough staff time to do the inspections on the day of the event. The organizer spoke with Mr. Carbone after the event and he felt she understood the issues.
- **Issues at Mootone Restaurant (Not on Agenda)** – Mr. Carbone explained that Mootone and Teatone Restaurants are owned by the same woman. Teatone just got over its problems and Hearings with the Board, and now there are similar problems at Mootone. Mr. Carbone spoke with her today and she has made arrangements with the woman who did the training at Teatone to go to Mootone to do the same training. Mr. Carbone held an Administrative Hearing with the owner and stressed the importance of taking care of these issues right away so she doesn't have to appear before the Board again.
- **Memo to Mr. Reginald Stapczynski, Town Manager, concerning Proposed MDEP Sewer Regulation Amendments (In Correspondence)** – Mr. Carbone was concerned that some of the new requirements in the regulations will create some unnecessary paperwork. There are changes which will increase the workload of the Water & Sewer Department. In the long run the proposed regulations are better environmentally, but will cost the Town money. Ms. Kellman asked Mr. Carbone if his comments mirror other comments made in other communities and if they make any impact resulting in changes. Mr. Carbone replied that some changes are made

based on his comments, and others are not. He does try to review and make positive changes in what is proposed.

- **Consultant Working on Permitting Software (Not on Agenda)** – Mr. Carbone informed the Board that the Town has hired a Consultant to help with our Permitting Software implementation. Mr. Carbone and his Administrative Assistant are going through the changes we need to make and the Consultant will help us get that done. We had been asking for help via the ViewPermit On-line Support Portal, and our ultimate goal is that we will be able to do some of this work without having to depend on ViewPermit technicians all the time. Mr. Carbone reminded the Board that we bought the software two years ago, and were supposed to bring the other Divisions on over the next year and then go on-line, but that has not happened yet because they did not deliver exactly what they promised.
- **Sewer on Greenwood Rd.** – Dr. Dwarakanath asked if there was a possibility that sewer would be available in the Greenwood Road area in the future. Mr. Carbone replied that he did not see that happening because of cost. The Town has done gravity fed areas now, but the rest of the areas in Town will need pumps which would be costly. Ms. Martin has supported getting sewer in the Haggetts Pond area in order to protect that part of the watershed. The Board has been hoping that sometime in the future, when a new DPW Director is hired they will look at the Master Sewer Plan and decide that continuing the sewer line would be a good plan.

## V. Old Business

- N/A

## VI. Definitive Subdivision Plans

- **Trinity Court (Formerly Vraj Circle) – Modification to Definitive Subdivision -** Under the name Vraj Circle this plan was approved in 2006 or 2007. The land used to be a junkyard, but now has been cleaned. The applicant is asking for a slight modification for a change in the roadway layout. The sizes of the houses are also now smaller than the original plan and the lot lines had to be altered with the roadway change. The project will have Town water and the sewer line will be connected to a force main on each property. Since this cannot be gravity fed, there will be a sewer pump in each front yard that will dump into the lift station at Greenwood Meadows. This will be owned and maintained by the Homeowner's Association not by the Town. Mr. Carbone explained that when they shifted the road, the force main is sitting in the right of way so we will be looking for revised plans with an easement on Lot 2 where the sewer force main for Lot 1 crosses Lot 2.

*Motion by Ms. Kellman, seconded by Dr. Dwarakanath, to approve the Modification to the Definitive Subdivision of Trinity Court (formerly Vraj Circle) subject to the following conditions:*

1. *Any modification, amendment, or change to the above-cited Definitive Plan shall be submitted as a new or modified Definitive Plan in accordance with the provisions of MGL Chapter 41, Section 81U.*
2. *Subject to Conservation Commission approval of the above dated plan by Order of Conditions or Negative Determination.*
3. *Prior to conveyance of the Board's approval to the Planning Board, the subdivision plans shall be revised to show:*
  - a. *All privately owned sewer force mains to be located on private property.*
  - b. *An easement on Lot 2 is required where the sewer force main for Lot 1 crosses it.*
4. *Prior to conveyance of the Board's approval to the Planning Board, the Andover DPW must agree with the drainage calculations showing that the system continues to be able to handle the anticipated runoff.*

*Unanimous approval.*

## **VII. Plan Review**

- **DWRP – Variances/Local Upgrade Approval**
  - **6 Brentwood Cir – LUA to Allow Leaching Facility to be 11' from Foundation, where 20' is Required** – Mr. Carbone explained to the Board that the backyard slopes quickly, is heavily wooded and densely brushed, so the best location per the Engineer is in the front yard.

*Motion by Ms. Kellman, seconded by Dr. Dwarakanath, to approve the LUA to allow the leaching facility to be 11' from the foundation, where 20' is required. Unanimous approval.*

## **VIII. Staff Reports**

### **A. Director's Reports:**

- **Important Dates:**
  - June 10 at 6 p.m. – Board of Health Meeting
  - July 6 to 14, 2013, Director's Vacation
  - July 15, 2013 at 6 p.m. – Board of Health Meeting

**B. Nurses' Report for April, 2013** – The Nurses' Report for April, 2013, was for informational purposes only.

**C. Inspectors' Report for April, 2013** – The Inspectors' Reports for April, 2013, were for informational purposes only.

**IX. Board Member Reports**

- N/A

**X. Adjournment**

*Motion by Ms. Kellman, seconded by Dr. Dwarakanath, to adjourn at 7:27 p.m. Unanimous approval.*